

REMARKSI. The 35 U.S.C. §103 Rejections

Claims 1-3, 6-10, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over O’Neal, U.S. Patent No. 6,411,685 (“O’NEAL”). In this Action, the Examiner cited different portions of O’NEAL (than in the previous Action) to reject these claims. Applicant respectfully traverses the rejections and will sequentially address the newly cited portions of O’NEAL.

A. Overview of O’NEAL

O’NEAL discloses a unified messaging system that “permits messages of different types to be received and viewed or heard by a user having only a thin web browser without dedicated software. Additionally, the different message types may be forwarded to other recipients across the various media types.” O’NEAL, col. 2, lines 39-43.

B. Claim 1

It is axiomatic that the combination of the cited references in a §103 rejection must disclose every element in the rejected claim. MPEP 2143.03. Claim 1 recites a method for optimizing traffic volume in a communications network, comprising the steps of:

- receiving a first file;
- parsing a header portion of said file to find a reference header;
- extracting an identifier of a second file in said reference header;
- determining a nearest location to retrieve said second file based on said identifier; and
- retrieving said second file based on said determining.

As demonstrated below, Applicant respectfully submits that the newly cited portions of O’NEAL still fail to disclose or suggest multiple steps recited in claim 1. Additionally, Applicant maintains the prior arguments (as presented in the response to

the previous Action) that O'NEAL is non-analogous art and should not have been cited and urges the Examiner to reconsider.

1. O'NEAL Does Not Disclose or Suggest Parsing a Header Portion of a First File to Extract an Identifier of a Second File

Claim 1 recites the steps of parsing a header portion of a first file to find a reference header and extracting, from the reference header, an identifier to a second file. In this Action, the Examiner cited col. 11, lines 22-62 of O'NEAL for allegedly disclosing this step.

Col. 11, lines 22-62 of O'NEAL describes a process to organize emails received at a server node. First, the server node determines the intended recipient of the email, then stores the message body of the received email in a local database. O'NEAL, col. 11, lines 31-35. Second, the server node acquires information about the received email by parsing the header portion of the email. O'NEAL, col. 11, lines 45-47. "The information obtained [from the header] may include data representing the sender of the email message, the date and time of sending (or alternatively, the receipt) of the message, the subject of the message as specified in the messages header, and the size of the message." O'NEAL, col. 11, lines 47-51. The header disclosed in O'NEAL does not include any reference to a second file. Instead, the header in O'NEAL merely contains information about the original email itself.

In contrast, claim 1 recites extracting an identifier to a second file based on a reference header in the header portion of a first file.

In addition, the Examiner specifically cited a certain "use of pointer to separate information including header information...." See page 2 of the Official Action. However, the only pointer disclosed by O'NEAL is "a pointer to the message body" which is stored in a local database of the server node. O'NEAL, col. 11, lines 51-52. In other words, the pointer disclosed in O'NEAL points to a local database where the message body of an email is stored. The pointer in O'NEAL does not perform any parsing or separating of information in the header. Thus, the pointer of O'NEAL cannot extract an identifier to a second file from the header portion of a first file as recited in claim 1.

The Examiner also took “Official Notice” of the use of an identifier.

Applicant respectfully traverses the Official Notice. Even if the use of an identifier is known, however, the use of an identifier in the context of claim 1 (i.e., an identifier being used in a reference header of a first file to identify a second file for optimizing traffic in a communication network) is not well known at least at the time of filing of the present case.

2. O’NEAL Does Not Disclose or Suggest Determining a Nearest Location to Retrieve the Second File Based on the Identifier

O’NEAL does not disclose or suggest the step of extracting an identifier of a second file. Therefore, logically, O’NEAL cannot disclose the step of determining a nearest location to retrieve the second file based on the identifier. In this Action, the Examiner cited col. 8, line 56 – col. 9, line 13 of O’NEAL as allegedly disclosing this step.

The cited portion in O’NEAL, discloses a process for updating metadata information at the server node. O’NEAL, col. 8, lines 56-58. During the process, “a pointer to the location of the message body in the database is gotten.” O’NEAL, col. 8, lines 66-67. The pointer disclosed in O’NEAL points to a database location where the message body of the original email is stored. O’NEAL, col. 11, line 35. Assume, for argument’s sake only, that the original email received by the server node in O’NEAL is the “first file” in claim 1. Under this assumption, the pointer disclosed in O’NEAL points to the location of the message body of the first file, not to the location of a “second file” as required by claim 1. A pointer specifically pointing to a first file cannot at the same time point to a second file that is being referred to in the header of the first file.

Assume further, for argument’s sake only, that a “second file” can be an attachment to an email. However, the pointer disclosed in O’NEAL does not point to a location of any attachments; it merely points to the message body of the original email (e.g., a first file). See O’NEAL, col. 8, lines 66-67 and col. 11, lines 51-52.

3. O’NEAL Does Not Disclose or Suggest Retrieving the Second File Based on the Determining

O'NEAL does not disclose or suggest the step of determining a nearest location to retrieve the second file based on the identifier. Therefore, logically, O'NEAL cannot disclose the step of retrieving the second file based on the determining.

4. Conclusion

Based on all the foregoing, Applicant respectfully submits that claim 1 is not unpatentable over O'NEAL. Thus, Applicant urges the Examiner to withdraw the rejection of claim 1 and to allow this claim.

B. Claims 2-3

Claims 2-3 are dependent on claim 1. Based on the foregoing, these claims should also be in condition for allowance.

C. Claim 6

Independent claim 6 includes some similar limitations as discussed above with respect to claim 1. Thus, arguments made above with respect to claim 1 are also applicable to claim 6. Based on the foregoing, claim 6 is not unpatentable over O'NEAL and should be in condition for allowance.

D. Claim 7

Claim 7 is dependent on claim 6. Based on the foregoing with respect to claim 6, this claim should also be in condition for allowance.

E. Claim 8

Independent claim 8 includes substantially the same limitations as claim 1. Based on the foregoing arguments with respect to claim 1, claim 8 is not unpatentable over O'NEAL and should be in condition for allowance.

F. Claim 9

Claim 9 is dependent on claim 8. Based on the foregoing with respect to claim 8, this claim should be in condition for allowance.

G. Claim 13

Independent claim 13 includes substantially the same limitations as claim 6. Based on the foregoing arguments with respect to claim 6, claim 13 is not unpatentable over O'NEAL and should be in condition for allowance.


H. Claim 14

Claim 14 is dependent on claim 13. Based on the foregoing with respect to claim 13, this claim should be in condition for allowance.

II. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

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